
Michael A. Ceballos
Director

Mark Gordon
Governor

July 1, 2019

Ref: AH-2019-018

Dear Wyoming Physician:

Pursuant to Wyoming law, physicians are required to submit to the Wyoming Department of Health (WDH) an Induced Termination of Pregnancy (ITOP) Reporting Form within twenty (20) days after performing an abortion. *See* Wyo. Stat. Ann. § 35-6-107. During the 2019 legislative session, the Wyoming Legislature changed several aspects of the abortion reporting statutes, Wyoming Statutes §§ 35-6-107 and -108. 2019 Wyo. Sess. Laws 512, 512-14 (ch. 179, § 1). The intent of this letter is to inform all Wyoming obstetrician-gynecologists, family practice physicians, internal medicine physicians, general practice physicians, and general surgeons of these legislative changes and does not imply knowledge of any individual physician's practice.

Effective July 1, 2019, Wyoming Statutes §§ 35-6-107 and -108 are amended to establish additional requirements for abortion reporting, including as follows:

1. The ITOP Reporting Form is required to account for gestational age as an alternative to length and weight. The form now must include: the "length and weight of the aborted fetus or embryo, when measurable [sic] or the gestational age of the aborted fetus or embryo in completed weeks at the time of the abortion." Wyo. Stat. Ann. § 35-7-107(a)(v) (eff. July 1, 2019).
2. The ITOP Reporting Form is prohibited from containing "the name or the address of the pregnant woman or any other common identifiers including a social security number, driver's license number or any other information or identifier that would tend to disclose the identity of the pregnant woman or any other participant other than the reporting physician." Wyo. Stat. Ann. § 35-7-107(b) (eff. July 1, 2019).
3. If a physician fails to submit an ITOP Reporting Form to the State Health Officer within one hundred and ten (110) days after an abortion is performed, the State Health Officer is required to report the physician to the Wyoming Board of Medicine. Wyo. Stat. Ann. § 35-6-107(c) (eff. July 1, 2019). The Board of Medicine is required to investigate the matter and may take disciplinary action under Wyoming Statute § 33-26-402(a)(x). *Id.*
4. Once received by the State Health Officer, an ITOP Reporting Form is required to be maintained in strict confidence by the WDH Vital Statistics Services

(VSS). Wyo. Stat. Ann. § 35-6-108(b) (eff. July 1, 2019). An ITOP Reporting Form is not a public record and may be made available only to the attorney general or district attorney pursuant to a criminal investigation or the Wyoming Board of Medicine pursuant to an investigation. *Id.*

5. No later than June 30 of each year, the VSS is required to issue an annual public report providing summary statistics from the ITOP Reporting Forms received during the previous year, as well as aggregate data for each year moving forward. Wyo. Stat. Ann. § 35-6-108(c) (eff. July 1, 2019). The VSS must ensure that no information included in the report could reasonably lead to the identification of a woman upon whom an abortion was performed, induced, or attempted. *Id.* The VSS is also required to transmit the report to the CDC for the national abortion surveillance report. *Id.*

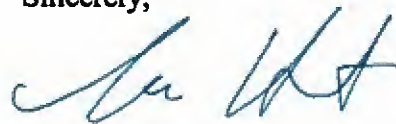
The WDH and the CDC use ITOP surveillance to better understand characteristics of women who are at high risk of unintended pregnancy to better target public health interventions to reduce unintended pregnancies; to evaluate the effectiveness of public interventions to reduce unintended pregnancies; and to better understand trends in clinical practice. The WDH is committed to storing ITOP data securely and will take the utmost care to ensure confidentiality.

The ITOP Reporting Form can be obtained from the VSS online at <https://health.wyo.gov/admin/vitalstatistics/physicianitop/>; or requested by phone at (307) 777-7591 or by email at wdh.vss@wyo.gov. Within twenty (20) days after performing an abortion, a completed ITOP Reporting Form should be submitted to the State Health Officer by mail, addressed as follows:

Wyoming Department of Health: State Health Officer
c/o Vital Statistics Services
2300 Capitol Ave.
Cheyenne, WY 82002

Please contact me at alexia.harrist1@wyo.gov or (307) 777-7716 for additional information.

Sincerely,



Alexia Harrist, MD, PhD
State Health Officer
Public Health Division

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c: Stephanie Pyle, MBA, Senior Administrator, Public Health Division
Guy Beaudoin, Deputy State Registrar, Vital Statistics Services